

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

Richard M. Kipperman

Plaintiff,

v.

Onex Corporation, et al.,

Defendants.

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CIVIL ACTION NO.  
1:05-cv-01242-JOF

**OPINION AND ORDER**

In an order dated August 13, 2009, the court granted in part and denied in part the parties' cross-motions for summary judgment. As the court noted in that order, certain claims remained, including Plaintiff's constructive fraudulent transfer claims under the Management Agreement, its Preference Claims (Count XVII), its claims for Alter Ego (Count XIII) and Lender Liability (Count XVI), and its claims under the Federal Debt Collection Procedures Act, 28 U.S.C. § 3301, *et. seq.* (Count II, VIII). The court also noted that depending on the outcome of the alter ego issue, it might be possible for Plaintiff to renew portions of its breach of fiduciary duty claim.

The court DIRECTS the parties to file dispositive motions on these remaining claims by Thursday, October 1, 2009. Response briefs should be filed no later than Monday, November 2, 2009, and reply briefs by the close of business Tuesday, November 24, 2009.

**IT IS SO ORDERED** this 26<sup>th</sup> day of August 2009.

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/s J. Owen Forrester  
J. OWEN FORRESTER  
SENIOR UNITED STATES DISTRICT JUDGE